



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, शनिवार, २७ सितम्बर, १९९७/५ अश्विन, १९१९

हिमाचल प्रदेश सरकार

[Authoritative English text of Himachal Pradesh Government notification No. Agr. A (3)/1/96, dated 25-6-1997 as required under clause (3) of Article 348 of the Constitution of India].

AGRICULTURE DEPARTMENT

NOTIFICATION

Shimla-171 002, the 25th June, 1997

No. Agr. A(3)-1/96.—The Governor of Himachal Pradesh, in exercise of the powers conferred by proviso to Article 309 of the Constitution of India, in and consultation with the Himachal Pradesh Public Service Commission, is pleased to make the Recruitment and Promotion Rules for the post of Law Officer, Class-II (Gazetted) in the Department of Agriculture, Himachal Pradesh, as per Annexure "A" attached to this notification, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Himachal Pradesh, Agriculture Department, Law Officer, Class-II (Gazetted) Recruitment and Promotion Rules, 1997.

(2) These shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

By order, -

HARSH GUPTA,
Financial Commissioner-cum-Secretary.

ANNEXURE 'A'

RECRUITMENT AND PROMOTION RULES FOR THE POST OF LAW OFFICER
CLASS-II (GAZETTED) IN THE DEPARTMENT OF AGRICULTURE
HIMACHAL PRADESH

- | | |
|---|--|
| 1. Name of the post | Law Officer |
| 2. Number of posts | 1 (One) |
| 3. Classification | Class-II (Gazetted) |
| 4. Scale of pay | Rs. 2000-60-2060-70-2250-75-3000-100-3500. |
| 5. Whether selection post or non-selection post ? | Selection |
| 6. Age for direct recruitment | Below 35 years : |

Provided that the upper age limit for direct recruits will not be applicable to the candidates already in service of the Government including those who have been appointed on *ad hoc* or on contract basis:

Provided further that if a candidate appointed on *ad hoc* basis or on contract basis had become overage on the date when he was appointed as such he shall not be eligible for any relaxation in the prescribed age limit by virtue of his such *ad hoc* or contract appointment:

Provided further that upper age limit is relaxable for Scheduled Castes/Scheduled Tribes/ Other categories of persons to the extent permissible under the general or special order(s) of the Himachal Pradesh Government:

Provided further that the employees of all the Public Sector Corporations and Autonomous Bodies who happened to be Government servants before absorption in Public Sector Corporations/ Autonomous Bodies at the time of initial constitution of such Corporations/Autonomous Bodies shall be allowed age concession in direct recruitment as admissible to Government

servants. This concession will not, however, be admissible to such staff of the Public Sector Corporations/Autonomous Bodies who were/are subsequently appointed by such Corporations/Autonomous Bodies and who are/were finally absorbed in the service of such Corporations/Autonomous Bodies after initial constitution of the Public Sector Corporations/Autonomous Bodies.

(1) Age limit for direct recruitment will be reckoned on the first day of the year in which the post(s) is/are advertised for inviting applications or notified to the Employment Exchanges or as the case may be.

(2) Age and experience in the case of direct recruitment, relaxable at the discretion of the Himachal Pradesh Public Service Commission in case the candidate is otherwise well qualified.

7. Minimum educational and other qualifications required for direct recruits.

Essential Qualifications :

(i) Should possess a professional Degree in Law from a recognised University in India or its equivalent.

(ii) At least 5 years experience as an Advocate.

Desirable Qualifications :

Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh.

8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of the promotees ?

Age : No

Educational qualifications : No

9. Period of probation, if any

Two years subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and reasons to be recorded in writing.

10. Method of recruitment—whether by direct recruitment or by promotion, deputation, transfer and the percentage of vacancies to be filled in by various methods.

100% by promotion failing which by direct recruitment.

11. In case of recruitment by promotion, deputation, transfer, grades from which promotion/deputation/transfer is to be made.

By promotion from amongst the Legal Assistants who possess professional degree in Law and also possess five years regular service or regular combined with continuous *ad hoc* (rendered upto 31-3-91) service as Legal Assistant:

Provided that the initial cadre shall be constituted by considering the present incumbent of the post of Legal Assistant for promotion to the post of Law Officer subject to his fitness.

(1) In all cases of promotion the *ad hoc* service rendered in the feeder post upto 31-3-1991, if any, prior to regular appointment to the post shall be taken into account towards the length of service as prescribed in these rules for promotion subject to the condition:—

(i) that in all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including the service rendered on *ad hoc* basis upto 31-3-1991) in the feeder post in view of the provisions referred to above, all persons senior to him in the respective category/post/cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration :

Provided that all incumbents to be considered for promotion shall possess the minimum qualifying service of at least three years or that prescribed in the Recruitment and Promotions Rules for the post, whichever is less:

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person(s) junior to him shall also be deemed to be ineligible for consideration for such promotion.

Explanation.—The last proviso shall not render the junior incumbents ineligible for consideration for promotion if the senior ineligible persons happened to be Ex-servicemen recruited under the provisions of Rule 3 of Demobilised Armed Forces Personnel (Reservation of Vacancies in Himachal State Non-Technical Services) Rules, 1972 and having been given the benefit of seniority thereunder or recruited under the provisions of Rules 3 of Ex-Servicemen (Reservation of

Vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority thereunder.

(2) Similarly, in all cases of confirmation, *ad hoc* service rendered on the feeder post upto 31-3-1991, if any, prior to the regular appointment against such post shall be taken into account towards the length of service :

Provided that *inter se*-seniority as a result of confirmation after taking into account, *ad hoc* service rendered upto 31-3-1991 shall remain unchanged.

12. If a Departmental Promotion Committee exists, what is its composition?

To be presided over by the Chairman, H. P. Public Service Commission or a member thereof to be nominated by him.

13. Circumstances under which the H. P. P. S. C. is to be consulted in making recruitment.

As required under the law

14. Essential requirement for a direct recruitment.

A candidate for appointment to any service or post must be:—

- (a) a citizen of India, or
- (b) a subject of Nepal, or
- (c) a subject of Bhutan, or
- (d) a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India, or
- (e) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka, East African Countries of Kenya, Uganda, the United Republic of Tanzania (Formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in India :

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Himachal Pradesh Public Service Commission or other recruiting authority, but the offer of appointment may be given only after the necessary eligibility

certificate has been issued to him by the Government of India.

15. Selection for appointment to the post by direct recruitment.

Selection for appointment to the post in the case of direct recruitment shall be made on the basis of *viva voce* test if the Himachal Pradesh Public Service Commission or other recruiting authority as the case may be, so consider necessary or expedient by a written test or practical test, the standard/syllabus, etc. of which, will be determined by the Commission/ other recruiting authority as the case may be.

16. Reservation

The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes/Scheduled Tribes/Backward Classes/other categories of persons issued by the Himachal Pradesh Government from time to time.

17. Departmental Examination

(1) Every member of the service shall pass a Departmental Examination as prescribed in the Departmental Examination Rules, 1976 as amended from time to time, failing which he shall not be eligible to:—

(i) cross the efficiency bar next due;

(ii) confirmation in the service even after completion of probationary period; and

(iii) promotion to the next higher post :

Provided that an officer who has qualified the Departmental Examination in whole or in part prescribed under any rules before the notification of these Rules shall not be required to qualify the whole or in part of the examination as the case may be:

Provided further that an officer for whom no departmental examination was prescribed prior to the notification of these Rules and who has attained the age of 45 years on the 1st March, 1976 shall not be required to qualify the Departmental Examination prescribed under these Rules :

Provided further that an officer for whom no Departmental Examination was prescribed prior to the notification of these Rules and who had not attained the age of 45 years on 1-3-1976 shall not be required to qualify the Departmental Examination prescribed under these Rules after attaining the age of 50 years for the purpose of (i) Crossing of

efficiency bar next due, and (ii) Confirmation in the service after completion of probationary period.

(2) An officer on promotion to higher post in his direct line of promotion shall not be required to pass the aforesaid examination if he has already passed the same in the lower gazetted post.

(3) The Government may in consultation with the Himachal Pradesh Public Service Commission, grant in exceptional circumstances and for reasons to be recorded in writing, exemption in accordance with the Departmental Examination Rules to any class or category of persons from the Departmental Examination in whole or in part provided that such officer is not likely to be considered for any other higher promotion before the date of his superannuation.

13. Power to relax

Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order for reasons to be recorded in writing and in consultation with the H. P. P. S. C., relax any of the provisions of these rules with respect to any class or category of persons or posts.

नियन्त्रक, मुद्रण तथा लेखन सामग्री, हिमाचल प्रदेश, शिमला-5 द्वारा मुद्रित तथा प्रकाशित ।